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November 3, 2023

**Via ECF**

Honorable Lorna G. Schofield  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**Re: Serifos Maritime Corporation and Andros Maritime Agencies Ltd. v.  
Glencore Singapore Pte Ltd.  
22-CV-8012 LGS  
T&N File No. 2984**

Dear Judge Schofield,

We are counsel for Plaintiffs Serifos Maritime Corporation, and Andros Maritime Agencies Limited (“Plaintiffs”) in this matter and write to respectfully move the Court for permission to file the Proposed Second Amended Complaint under seal. The Stipulation and Protective Order dated May 8, 2023 provides that either party may designate certain information produced in discovery as “Confidential.” (ECF No. 39, p. 2). Defendant Glencore Singapore Pte Ltd. (“Defendant”) has marked most of its document production as Confidential. The proposed Second Amended Complaint refers to information obtained from documents produced by Defendant which Defendant marked Confidential. In compliance with the Stipulation and Protective Order, Plaintiffs respectfully move the Court for an interim order granting permission to file the proposed Second Amended Complaint under seal in accordance with the Court’s Individual Rule I.D.3.

Plaintiffs take no position on whether, in fact, the information contained in the documents produced by Defendant is confidential. However, in accordance with Rule I.D.3. of this Honorable Court’s Individual Rules, Defendant as the party with the purported interest in confidential treatment bears the burden of persuasion.

On this date, Plaintiffs have filed the following in relation to this Letter Motion:

1. Redacted Proposed Second Amended Complaint with redlined edits (with potentially confidential information redacted)

2. Unredacted Proposed Second Amended Complaint with redlined edits under seal with proposed redactions highlighted

Plaintiffs respectfully propose that the following parties have access to the sealed filings:

1. Plaintiff Serifos Maritime Corporation
2. Plaintiff Andros Maritime Agencies Ltd.
3. Counsel for Plaintiffs
  - a. Thomas L. Tisdale
  - b. Timothy J. Nast
4. Defendant Glencore Singapore Pte Ltd.
5. Counsel for Defendant
  - a. Peter J. Behmke
  - b. Barron M. Flood
  - c. Michael P. Jones

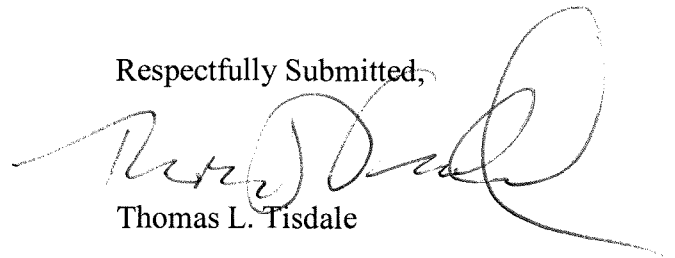
Pursuant to this Honorable Court's Order dated October 30, 2023 (ECF. No. 61), the Proposed Second Amended Complaint has been filed with a redline draft showing changes from the Operative Complaint. Plaintiffs thank the Court for its consideration of their request to amend and remain available to address any questions or issues which may arise.

Application DENIED without prejudice to renewal. "The common law right of public access to judicial documents is firmly rooted in our nation's history," this right is not absolute and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc'ns., Inc.*, 435 U.S. 589, 599 (1978) ("[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case."). The parties' confidentiality designations are not dispositive of whether the public's right of access to judicial documents overcomes competing considerations, such as the need to protect competitively sensitive information. Defendant may file a request to maintain the Answer under seal by **November 14, 2023**, with an explanation of the basis for the request that is sufficient under Second Circuit case law.

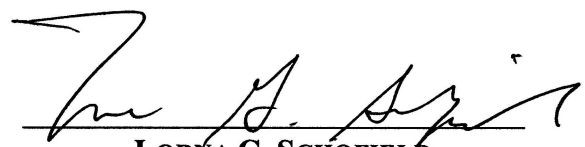
The Clerk of Court is respectfully directed to close the motion at Dkt. No. 63. The Clerk of Court is respectfully directed to maintain all currently sealed documents under seal pending a possible renewed motion to seal by Defendant.

Dated: November 6, 2023  
New York, New York

Respectfully Submitted,



Thomas L. Tisdale



LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE